



# VOICE OF THE FIELDS

## California

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# Immigration Raids: Know Your Rights!

**U**ndocumented workers face plenty of challenges in their daily lives. The fear of losing your livelihood to a hard-to-follow process guides every day actions. One of the greatest fears that undocumented workers have is being caught by immigration authorities. But it is important to know that, even if you are not a citizen of the United States, you have rights. You are protected. Being well informed will help if you have been arrested or detained by the U.S. government during an immigration raid. Here is what you need to know to protect your immigration status if this happens to you or someone you know.

## Be prepared!

First and foremost, you should be prepared in case of an immigration raid. If you have valid immigration status documents, always carry them with you and show them to the immigration official or police officer if necessary. If you are undocumented, you should print out the **Know Your Rights Card** (see below) and always carry it with you. You should have the name and phone number of a reliable immigration attorney and keep it with you at all times to be prepared. If you have an “alien registration number” (a unique 7, 8 or 9 digit number assigned to a noncitizen at the time he or she files that begins with an “A,” followed by a unique set of numbers), you should keep that on you at all times as well. Keep a copy of all this information at home so that your family members know where to find it.

## What to do...

### ...if you are questioned by police?

If a police officer or immigration official questions you about your status, you have the right to remain silent. You do not have to show them any identity documents or even tell them your name. (NOTE: In some states you might have to tell your name to a police officer who stops you, but this is not the law in California.) You have the right to ask the officer if you are being arrested or detained. If the officer says “NO, you are not being arrested or detained,” you should ask him or her if you can leave. If the officer says you can leave, you should do so – slowly and calmly. But what if the officer says “YES, you are being arrested or detained?”


### ...if you are arrested or detained?

Even if you are arrested or detained, you do not have to answer any questions asked by an immigration official or police officer. If this happens to you, you should ask to speak to your lawyer and show the officer your **Know Your Rights Card**. An immigration officer *cannot force you* to answer any questions. Even if you are arrested and taken into custody, you have a right to be silent and to ask for a lawyer. Do not tell the officer where you were born, your nationality, or what your immigration status is. Do not sign any papers. Do not show the agent any papers or identification documents from your country of origin. Most importantly, do NOT lie or show any false documents! This will only get you into more trouble. If you have valid immigration documents, you may show them to the officer but you do not have to if you do not feel comfortable doing so. Remember, you do not have to answer any questions, and you can always ask your lawyer for help.

### ...if police or immigration officials come to your home?

If this happens, do not immediately open the door. Opening the door can be considered giving the officer “consent” to enter. Ask the officer if

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they have a warrant. A warrant is a paper signed by a judge giving the officer permission to enter your home.

The warrant will specify what areas of your home they are allowed to search.

If the officer has a warrant, ask them to slip it under the door. Only then should you let them in. Make sure you observe whether the official searches any areas that were not listed in the warrant. If they take any property, make sure you get a receipt. Keep track of what the officer did. Being aware of what they are doing will help you stay prepared.

## ...if police or immigration officials stop you on the street?

If the police or an immigration official stops you on the street and does not have a warrant, they cannot arrest you without evidence that you are a non-citizen. Remember that you have the right to remain silent and to refuse a search. Do not say anything about your immigration status or where you were born. If you have valid immigration

documents, show them. Above all, do not lie and do not show any false documents. Ask the officer, "Am I free to leave?" If the officer says yes, walk away (don't run). If the officer says no, continue to answer each question by stating that you want to talk to a lawyer.

## ...if police or immigration officials come to your workplace?

Immigration must have a warrant signed by a judge, or your employer's permission, to enter your workplace. If you work in a public place, immigration does not need a warrant. If police or immigration officials come to your workplace, stay calm and do not run. If you are questioned or detained, follow the instructions above.

## Here's an overview of what you need to know in case of an immigration raid:

- Remain silent, or tell the police officer or immigration official that you want to remain silent
- Ask to speak to a lawyer
- Do not lie or carry false documents
- Carry a Know Your Rights Card
- Find out the name and phone number of a reliable immigration attorney and keep this information on you at all times
- Know your "alien registration number" if you have one and write it down someplace at home where your family members know where to find it
- Prepare a form or document that authorizes another adult to care for your minor children
- Advise family members who do not want to be questioned by ICE to stay away from the place where the raid occurred or where a detained person is being held
- Do not sign any documents without first speaking with a lawyer

## Rights Card

I am giving you this card because I do not wish to speak with you or have any further contact with you. I choose to exercise my right to remain silent and refuse to answer your questions. If you arrest me, I will continue to exercise my right to remain silent and refuse to answer your questions. I want to speak to a lawyer before answering your questions.

**I want to contact this attorney or organization:**

**Telephone number:** \_\_\_\_\_



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# Immigration Resources for You and Your Family

**T**here are hundreds of organizations throughout California that can help individuals and families with their immigration issues, from answering basic questions about legal rights or status information, to helping you find an immigration attorney. Not only can these trusted organizations walk you through complicated legal questions, they can also connect you to important resources such as housing, health, education, and social services. Many of these groups have offices located throughout California. These are just a few examples:

**California Rural Legal Assistance, Inc.** provides low-income rural Californians with free legal assistance and a variety of community education and outreach programs. They have local offices in Coachella, Delano, El Centro, Fresno, Gilroy, Lamont, Madera, Marysville, Modesto, Monterey, Oceanside, Oxnard, Paso Robles, Salinas, Santa Barbara, Santa Cruz, Santa Maria, San Luis Obispo, Santa Rosa, Stockton and Watsonville. To get the number of your local California Rural Legal Assistance office, call their main office at (415) 777-2752 or go to <http://www.crla.org/office-locations>.

**Catholic Charities of California** provides community-based services, including immigration services, to individuals in need, regardless of their religion. They have offices in Fresno, Los Angeles, Monterey, Oakland, Sacramento, San Bernardino, San Diego, San Francisco, San Jose, Santa Ana, Santa Rosa and Stockton. To get the number of your local Catholic Charities of California office, call their main office at (916) 313-4005 or go to <http://www.catholiccharitiesca.org>.

**California Legal Aid Organizations** provide free legal services to low-income Californians in every county in the state.

For a list of these organizations, go to <http://www.caforjustice.org/about/organizations>.

## Who can help me with my immigration case?

Only lawyers or “Board of Immigration Appeals (BIA) accredited representatives” can help you with an immigration case. Ask the person who is going to help you if he or she is a lawyer or a BIA accredited representative. Your lawyer should be licensed in the state in which you live. BIA accredited representatives work at nonprofit organizations, and the immigration court keeps a record of them. Do not pay somebody who is not a lawyer or BIA accredited representative to work on your case. People charging for immigration help, such as “immigration consultants” or “notarios,” are breaking the rules by working on immigration cases.

## How can I find an immigration lawyer?

ImmigrationLawHelp.org is an online directory that lists more than 940 free or low-cost nonprofit immigration legal service providers in all 50 states. You can search for an organization or lawyer on this website by state, county, or detention

facility. You can also search by types and areas of legal assistance provided, populations served, languages spoken, other areas of legal assistance, and non-legal services provided. The website also provides all of this information in twelve languages, including Spanish, and is free to use. If you do not have a computer with internet access, you can go to your local public library and use a computer there for free. The website is: <http://www.immigrationlawhelp.org/>.

## Will it cost money to talk to a lawyer?

It may cost money to have your first meeting or “consultation” with a lawyer or BIA accredited representative. You should ask about consultation fees before making an appointment. Talking to a lawyer or BIA accredited representative does not mean that they will accept your case.

## What do I need to know if my case is accepted?

If a lawyer or BIA accredited representative accepts your case, it is important to have a written agreement about what he or she will do for you, how much it will cost, and what you need to do to help with your case. Some immigration cases or applications could take several years and may have many steps. It is important to tell your immigration lawyer or BIA accredited representative the whole story and answer all questions honestly. Tell the lawyer about any other applications you have made, any time you went to a court, any time you had a problem with the police,

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any fake documents you used, any time you entered or left the United States and anything else that you think is important about your case. You may hurt your case if you try to hide a problem.

## How can I locate a person in the custody of the Immigration Service?

Contact the local Office of Detention and Removal Operations of the Immigration Service (called the Immigration and Customs Enforcement or ICE). You can find this information at <http://www.ice.gov/about/dro/contact.htm> or contact the headquarters at (202) 305-2734 to get the number for the local office. To find out when a person in Immigration custody will have their next hearing if one is scheduled call 1-800- 898-7180. You will have to have the person's immigration identification number ("A number") available.

# Current U.S. Policy

Along with the new immigration reform being reviewed by the United States' Congress, the current administration is focusing their efforts on cracking down on employers who hire undocumented workers. They believe it is important that American businesses only employ people legally authorized to work in the United States. Businesses that knowingly employ undocumented workers are exploiting the system to gain an advantage over businesses that play by the rules. The administration's new policy proposal is designed to stop these unfair hiring practices and hold these companies accountable.

To ensure employers are hiring people who are legally allowed to work in the U.S., the administration is proposing a new electronic database employers can turn to in order to make sure their employees are here legally.

In addition to cracking down on employers hiring undocumented workers, the current administration is also cracking down on violent and felony offenders. Those who are convicted of a felony or a violent misdemeanor will be deported; however, with the proposed immigration reform, those folks who are here illegally without any convictions would be able to stay once they obtain the proper paperwork.

The U.S. government has not yet approved this Immigration Reform proposal, but Congress is debating the legislation. If the proposal is approved, however, each case may be handled on a case-by-case basis. As mentioned in last month's newsletter, if you need immigration help for your specific situation, seek out a Board of Immigrant Appeals accredited representative or an immigration lawyer.

The *Voice of the Fields* will make sure to keep our readers up-to-date on these topics, should any important information for farmworkers arise.

# Agricultural Jobs available to U.S. workers under H-2A contract

You may apply for these jobs by phone or in person at your nearest Employment Development Department (EDD) field office

Active	CalJobs Number	Job Title	Pay Rates	Contract Dates	Positions	City of Job	Employer's County (for ECMS)	EDD Workforce Service Site Office
1	13942927	Farm Workers, Grapes	\$10.42 HR	8/1/13 - 11/1/13	10	Napa	Napa	Santa Rosa WS (707) 565-6463
2	13941609	Farm Workers, Raisins	\$10.74 HR	8/15/13 - 9/16/13	41	Kerman	Fresno	Fresno WS (559) 490-7132
3	13934841	Farm Workers, Tomatoes	\$10.74 HR	8/1/13 - 11/30/13	200	Oceanside	San Diego	Oceanside WS (760) 414-3582
4	10339218	Farm Worker, Sheepherder	\$1422.52 Mo	on-going	206	California and Western States	California and Western States	A Selected EDD WSB Offices

The H-2A temporary agricultural program allows agricultural employers who anticipate a shortage of domestic workers to bring nonimmigrant foreign workers to the U.S. to perform agricultural labor or services of a temporary or seasonal nature. The H-2A employers must demonstrate that qualified U.S. workers are not available for the job and the employment of temporary foreign workers will not adversely affect the wages and working conditions of U.S. workers similarly employed. Preference in hiring will be given to qualified U.S. workers before employers are allowed to bring in foreign workers under the program.

